

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC, ) Case No. 10-93904-BHL-11  
 )  
Debtor. )

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**AGREED ENTRY RESOLVING TRUSTEE'S OBJECTION TO CLAIM 307  
FILED BY GABRIEL MORENO**

James A. Knauer, as Chapter 11 Trustee (the "Trustee") for Eastern Livestock Co., LLC ("ELC") filed the Trustee's Objection to Claim 307 Filed by Gabriel Moreno [Docket No. 2081] (the "Claim Objection") on April 19, 2013. The Trustee and Gabriel Moreno ("Mr. Moreno") and together with the Trustee, the "Parties") desire to resolve the Claim Objection and Mr. Moreno's claim against ELC's estate on the following terms and conditions:

**Recitals**

1. Mr. Moreno filed a claim in the above-captioned Chapter 11 case (the "Chapter 11 Case") designated as proof of claim number 307 (the "Claim") on the official claims register maintained by The BMC Group, Inc. Pursuant to the Claim, Mr. Moreno asserts a secured claim in the amount of \$196,484.51 on account of the sale of cattle to ELC.

2. Mr. Moreno has also asserted claims to certain funds that have been interpleaded and are at issue in Adv. Proc. No. 11-59093 (the "Adversary").

3. The Court entered an order confirming the *Trustee's First Amended Chapter 11 Plan of Liquidation* [Dock. No. 1490] (the "Plan") on December 17, 2012. The Plan became effective on December 20, 2012. *See* Dock. No. 1675.

4. Pursuant to and as more particularly described and defined in the Plan, creditors of ELC could "opt in" by submitting a properly executed "Opt In Agreement" to Trustee's

counsel on or before the "Opt In Deadline". The creditors that chose to "Opt In" waived claims against Fifth Third and the Trustee in exchange for future distributions from the "Fifth Third Settlement Monies". Mr. Moreno submitted an executed "Opt In Agreement" and became an "Opt In Creditor" under the Plan.

5. The Trustee filed the Claim Objection on April 19, 2013, objecting to the classification of the Claim.

6. The Parties desire to clarify Mr. Moreno's status as an "Opt In Creditor" and the amount and nature of the Claim without the expense of further litigation. Accordingly, the Parties agree as follows:

**Stipulation**

7. The Claim shall be allowed as a general unsecured claim in the amount of \$196,484.51 (the "Allowed Claim"). The Trustee shall only object to the final allowed amount of the Allowed Claim if and to the extent Mr. Moreno obtains recovery from other sources, such as ELC's GIPSA bond. Otherwise, the Trustee shall not object to the Allowed Claim.

8. Mr. Moreno is classified as an "Opt In Creditor" with an Opt In Claim in the amount of \$196,484.51.

9. By entering into this stipulation, Mr. Moreno disclaims any rights to the funds interpleaded in the Adversary, and Mr. Moreno shall cooperate with the Trustee to dismiss, with prejudice, any and all claims asserted by or against Mr. Moreno in the Adversary. Mr. Moreno shall be dismissed from the Adversary.

AGREED:

By: /s/ Dustin R. DeNeal

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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